

HOUSE BILL 404

By Carringer

AN ACT to amend Tennessee Code Annotated, Title 10,
Chapter 1, Part 1; Title 10, Chapter 3 and Title 10,
Chapter 5, Part 1, relative to libraries.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 10-1-103, is amended by deleting the section and substituting instead the following:

The state library system consists of the existing state library, archives, the regional library system, the regional library for accessible books and media, library extension properties and services, and such other properties and services as may from time to time be assigned to the division of public libraries and archives, excluding the law library of this state, which functions under the direction of the supreme court.

SECTION 2. Tennessee Code Annotated, Section 10-1-109, is amended by deleting the section and substituting instead the following:

(a) The secretary of state may accept and administer funds or materials made available for library, archival, and historical purposes from public or private sources either by grant, bequest, donation, or otherwise, and this may include any available grants from the federal government or cooperation with the federal government in the advancement of library activities when agreements to that effect are approved.

(b) The secretary of state, acting through the state librarian and archivist and the division of public libraries and archives, may accept donations and bequests on behalf of the state library system.

(c) The secretary of state, acting through the division of public libraries and archives, may lease real estate as may be necessary for library purposes. Any lease

must be between the state of Tennessee and the lessor and must contain a clause that its continuance is subject to necessary allotments from the secretary of state and the availability of other funds.

SECTION 3. Tennessee Code Annotated, Section 10-3-103, is amended by deleting the section and substituting instead the following:

(a)

(1) Except as provided in subdivision (a)(2), where a county legislative body or the governing body of a city or town, in lieu of giving support to a free public library already established, or of contracting with another library for library service, or of contracting with other counties or cities for the joint operation of a free public library, establishes an independent free library of its own, it shall appoint a board of seven (7), nine (9), or eleven (11) members. Not more than one (1) official each of the county and of the city governing bodies may serve on the board. The members shall serve without salary, at least three (3) for one (1) year, two (2) for two (2) years, and two (2) for three (3) years. If the board expands to more than seven (7) members as provided in this subdivision (a)(1), the additional members are appointed by the county and city legislative bodies to terms of one (1), two (2), or three (3) years. All successors shall serve for terms of three (3) years. Board members may serve two (2) consecutive terms and may be reappointed after a minimum three-year break in service.

(2) In counties or cities having a population of more than four hundred thousand (400,000), according to the 2010 or any subsequent federal census, in which the mayor has assumed the powers of the library board as provided in subsection (c), the terms of advisory board members must be established as

provided in subdivision (a)(1) with the exception that board members may serve as many consecutive terms as stated in their bylaws.

(b) If a county legislative body, city governing body, or a county having a charter form of government elects to participate in the joint operation of a public library maintained by the county and one (1) or more cities within the county, the library board responsible for administering the library must be appointed by one (1) of the following methods:

(1) Except as provided in subdivisions (b)(2) and (3), a library board of seven (7), nine (9), or eleven (11) members may be appointed by the county legislative body and city governing bodies that are parties to the agreement, the number appointed by each to be determined according to the ratio of population in each participating city and in those areas of the county that lie outside the cities, based on the most recent federal census; provided, that each governmental body shall appoint at least one (1) member. Terms of office, qualifications of members, and powers and duties of the board must comply with §§ 10-3-101 -10-3-108. Board members may serve two (2) consecutive terms and may be reappointed after a minimum three-year break in service;

(2) In accordance with a contract as provided in § 5-1-113, in which case board members may serve two (2) consecutive terms and may be reappointed after a minimum three-year break in service; or

(3) In accordance with a private act, in which case board members may serve two (2) consecutive terms and may be reappointed after a minimum three-year break in service.

(c) A county or city having a population of more than four hundred thousand (400,000), according to the 2010 or any subsequent federal census, may by a two-thirds

(2/3) majority vote of its legislative body vest supervisory authority over the public library system with the mayor. The mayor in the county or city shall exercise all powers which would otherwise be exercised by the library board pursuant to § 10-3-104. A library board must be retained in the county or city in accordance with this section but shall serve in an advisory capacity to the county or city mayor, as applicable.

SECTION 4. Tennessee Code Annotated, Section 10-5-101, is amended by deleting the section and substituting instead the following:

(a) The regional library system is composed of such regional offices as the secretary of state may establish, each office providing support and assistance to the public libraries in the counties assigned to it under the direction of the state librarian and archivist. The secretary of state may establish criteria for joining and for continuing participation in the regional library system. Local public libraries meeting such criteria may join or leave the regional library system by vote of the county commission or city governing body.

(b) A city in a county not participating in a region may, with approval by the secretary of state, join the state regional library system as related to state purchasing contracts. The secretary of state shall assess fees against participating cities for any additional cost of services under the state contracts. Counties and municipalities may appropriate funds for this purpose.

SECTION 5. Tennessee Code Annotated, Sections 10-5-102 – 10-5-106, are amended by deleting the sections in their entireties.

SECTION 6. This act takes effect July 1, 2022, the public welfare requiring it.